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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,294	08/14/2006	Michel Cornaz	930024-2056	6947

7590 09/05/2008
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EXAMINER

HARTMANN, GARY S

ART UNIT	PAPER NUMBER
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3671

MAIL DATE	DELIVERY MODE
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09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,294	Applicant(s) CORNAZ, MICHEL	
	Examiner Gary Hartmann	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen, (U.S. Patent 4,127,349) in view of Peyton (U.S. Patent 125,482) or Devalin (U.S. Patent 118,592).

Rasmussen discloses a slab having sections (2) divided by a groove (Figures 1-3). The groove has a blunt area and not a point. Peyton and Devalin each teach a joint having a blunt bottom (Peyton, Figure 6; Devalin, c) to be functional equivalents to a joint having a pointed end (Peyton, Figure 5; Devlin, a and e). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured the groove of Rasmussen with a pointed end in order to obtain a joint having a particular appearance (such as a beveled edge) in order to suit a particular application, in accordance with the teachings of either Peyton or Devalin.

Regarding size, it is standard practice in the art to use any size best suited to a particular paving application. For this reason, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any sizes for Rasmussen.

Regarding claim 6, all steps are disclosed (column 3, lines 3-12) except for pressing. It is well known to press a material when molding in order to obtain a well formed finished product.

For this reason, it would have been obvious to one of ordinary skill in the art at the time of the invention to have pressed Rasmussen.

Regarding claim 7, there is no recited distinction between "facing concrete" and "ordinary concrete"; therefore, claim recitations are met by Rasmussen.

Regarding claim 8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have divided the slab prior to laying in order to place the slab in an area that was too small to fit an undivided slab.

Regarding claim 9, it is well known that striking can break a frangible product. Because Rasmussen is designed to be frangible, it would have been obvious to one of ordinary skill in the art at the time of the invention to have divided the slab by striking.

Regarding claim 10, it is common practice to fill a joint between slabs in the manner claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have filled joints of Rasmussen with filler or mortar in order to obtain a desired finished product.

Response to Arguments

Applicant's arguments filed 20 June 2008 have been considered but are moot in view of the new grounds of rejection. Applicant is correct that the examiner failed to address a limitation in the previous Office action; therefore, this action is non-final. Regarding the information disclosure statement, no copies of the references cited therein have been received by the USPTO. Without references to view, the references cannot be considered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/
Primary Examiner, Art Unit 3671